

United States Court of Appeals  
For the Eighth Circuit

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No. 17-2390

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United States of America

*Plaintiff - Appellee*

v.

Joseph A. Henderson

*Defendant - Appellant*

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Appeal from United States District Court  
for the Western District of Missouri - Kansas City

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Submitted: February 9, 2018

Filed: February 14, 2018

[Unpublished]

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Before LOKEN, KELLY, and ERICKSON, Circuit Judges.

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PER CURIAM.

Joseph Henderson directly appeals the sentence the district court<sup>1</sup> imposed after he pled guilty to a firearm offense, pursuant to a plea agreement containing an appeal

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<sup>1</sup>The Honorable Greg Kays, Chief Judge, United States District Court for the Western District of Missouri.

waiver. Counsel has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the substantive reasonableness of Henderson's sentence.

After careful review, we conclude that the appeal waiver is enforceable. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (validity and applicability of appeal waiver is reviewed de novo). The record establishes that Henderson knowingly and voluntarily entered into the plea agreement and the appeal waiver, that the arguments on appeal fall within the scope of the waiver, and that no miscarriage of justice would result from enforcing the waiver. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc). In addition, having independently reviewed the record under Penon v. Ohio, 488 U.S. 75 (1988), we find no non-frivolous issues for appeal outside the scope of the waiver. Accordingly, we grant counsel's motion to withdraw. The appeal is dismissed.

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